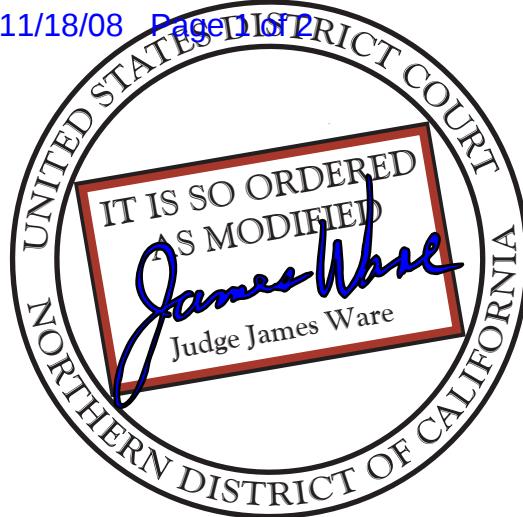


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 9 Attorneys for D&A INTERMEDIATE TERM  
 10 MORTGAGE FUND III, L.P., ASSET  
 11 MANAGERS INCORPORATION, JEFFREY A.  
 12 DUNHAM, FCI LENDER SERVICES, INC. and  
 13 MICHAEL W. GRIFFITH

11/18/2008



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**UNITED STATES DISTRICT COURT**  
 3  
**NORTHERN DISTRICT OF CALIFORNIA**  
 4  
**SAN JOSE DIVISION**

5  
 6 VISTA FUNDING INC.,

7 Plaintiff,  
 8 vs.

9 JEFFREY A. DUNHAM, ET AL.  
 10 Defendants.

11 CASE NO. C 08-4919 JW

12  
**NOTICE OF PENDING MOTIONS AND  
 13 REQUEST FOR CONSOLIDATED  
 14 HEARING DATE**

15 Trial Date: None Set

16 PLEASE TAKE NOTICE THAT when the instant action was removed from state court,  
 17 there was a pending Demurrer and Motion to Strike Complaint, filed by Defendant D&A  
 18 INTERMEDIATE TERM MORTGAGE FUND III, L.P. ("Defendant"), on October 16, 2008.  
 19 The motions were set for hearing on November 24, 2008.

20 Defendant requests that these pending motions be set for hearing by the Court on February  
 21 9, 2009, the coordinated date on which this Court will hear argument on motions to dismiss filed  
 22 by the other defendants to this action, and will conduct the Case Management Conference. For the  
 23 Court's convenience, Defendants submits herewith copies of its Demurrer and related papers

24 ///

25 ///

26 ///

1 (attached hereto as Exh. A) and Motion to Strike Complaint and related papers (attached hereto as  
2 Exh. B).

3 DATED: November 11, 2008 BASKIN & GRANT, LLP

4

5

By: /s/

CALEB SEQUOIA BASKIN  
Attorneys for D&A INTERMEDIATE TERM  
MORTGAGE FUND III, L.P., ASSET  
MANAGERS INCORPORATION, JEFFREY A.  
DUNHAM, FCI LENDER SERVICES, INC. and  
MICHAEL W. GRIFFITH

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**IT IS SO ORDERED:**

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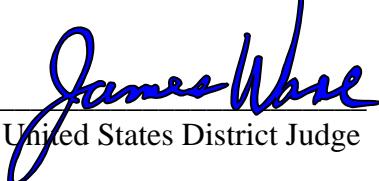
28

The request to consolidate the hearing date is GRANTED. The moving party is to file the Renotice of Demuer papers (attached as Exhibit A) and the Motion to Strike (attached as Exhibit B) as SEPERATE DOCKET ENTRIES to be heard on the **February 9, 2009 at 9:00 AM** hearing date in coordination with the pending Motions to Dismiss scheduled for that same date. Chambers copies are to follow in accordance to General Order 45.

**IT IS FURTHER ORDERED:**

The Court ADVANCES Defendant Richard T. Mason's Motion to Dismiss (Docket Item No. 16) from March 2, 2009 at 9:30 AM to **February 9, 2009 at 9:00 AM** to coordinate with scheduled the pending motions on that same date.

Dated: November 18, 2008

  
United States District Judge